

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

ELIJAH NAHUM SIMMONS,)
)
)
Movant,)
v.) Case No. CV613-112
)
) CR610-001
UNITED STATES OF AMERICA,)
)
)
Respondent.)

ORDER

On November 17, 2014 the Court dismissed Elijah Nahum Simmons' 28 U.S.C. § 2255 motion based upon a guilty-plea collateral attack waiver. (Doc. 10.) It reversed that decision on January 20, 2015, however, by granting Simmons' Fed. R. Civ. P. 60(b) motion for relief from judgment based upon the government's recent policy change on guilty-plea waivers. (Doc. 13.) It also appointed counsel for Simmons and set a hearing date.

Upon further reflection, this matter is not yet ripe for a hearing because the government has not been offered an opportunity to respond to Simmons' § 2255 claims on the merits. Accordingly, it shall have 30

days from the date this Order is served to do so. The hearing is continued until further order of this Court.

SO ORDERED this 26th day of January, 2015.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA